

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MYRON STEVENS,)	Case No.: 1:23 CV 105
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant)	<u>ORDER</u>

On September 24, 2021, an administrative law judge (“ALJ”) denied Plaintiff Myron Stevens’s application for period-of-disability benefits, social security disability insurance, and supplemental security income. (Tr. at PageID #585–87, ECF No. 5.) That same day, Stevens submitted additional evidence to the ALJ, but the ALJ did not consider it in his decision. (*Id.* at PageID #687, 1441–44.) The Appeals Council determined this to be legally erroneous. (*Id.* at PageID #686.) Yet even considering Stevens’s additional evidence, the Appeals Council found Stevens not to be disabled. (*Id.* at PageID #20–28.)

The Appeals Council’s decision became the final decision of the Commissioner of Social Security, and Stevens sought judicial review. (Compl., ECF No. 1.) Under Local Rule 72.2(b)(1), the court referred the case to Magistrate Judge Jennifer Dowdell Armstrong to prepare a Report & Recommendation (“R&R”). Judge Armstrong submitted an R&R on December 6, 2023, recommending that the court affirm the Commissioner’s decision. (R&R, ECF No. 11.) Judge Armstrong reasoned that, because the Appeals Council had considered Stevens’s

additional evidence and determined it not to be material, Stevens could not establish that a remand to the ALJ was warranted. (*Id.* at 15.)

Neither party has objected to Judge Armstrong's R&R. Because no objection has been filed, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72, Advisory Committee Notes. Having carefully reviewed the record in this case, the court finds no clear error in Judge Armstrong's R&R. Accordingly, the court adopts as its own Judge Armstrong's R&R. The court hereby affirms the Commissioner's decision.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

January 10, 2024